

1887-042 Chancery Causes: W. A. Poteet & vs. My. Alice Kirkpatrick
Lee Co.

CA-Estate Dispute
T-Property

-Deed

To The Hon. John A. Kelly Judge
of the Circuit Court of Lee County Va
The Bill of Complaint of
W. A. ¹Pateet, Robert R. ²Pateet v.
Estelle ³Pateet, Emma ⁴~~Pateet~~, Mary
L. ⁵Pateet, A. N. ⁶Pateet, L. E. ⁷Pateet
and Francis B. Pateet, humbly com-
plaining sheweth unto your Honor
that your Complainants and one
M. Alice Kirkpatrick an infant
are the owners in fee, of tract
of 205, acres of land situated
in Lee County Virginia about 1½
miles S. E. from Jonesville, adjoin-
ing the lands of McMoneyhun or
others and known as the Brittain Pateet
farm. These lands were acquired
by descent from the said Brittain
Pateet now deceased, and who died inter-
late, your Complainants and the said
Kirkpatrick are his heirs at law
except your Complainant Francis B.
who is his widow and entitled to
dower in said lands. The said Kirk
patrick is a grand daughter being
a child of a deceased daughter. The
other all children, of the said
Brittain Pateet deceased.

The parties are all residents of the State of Missouri and Texas, the most of them, reside in St Joseph Mo. where their ancestor lived and died. The lands consist of about 75 acres of cleared lands, mostly well worn the residue is in woods and all of a medium quality.

There would therefore be only about 25 acres each when partitioned, and these small shares would in your Complainant's opinion greatly impair the value of the whole, besides it is the desire of all those capable of consent that said lands should be sold and the proceeds divided among those entitled.

The object of this bill therefore is to obtain a decree to sell said lands and divide the proceeds, or if mistaken in that to make partition thereof according to the rights of the parties.

The premises considered, therefore they pray that M. Alice Kirkpatrick be made a party defendant to this bill, and that a guardian ad litem be appointed to answer and defend

her rights and on a hearing a
decree be rendered, making sale
of said lands and portions of the
same if not deemed advisable to
sell - And for all other further &
general relief May supra issue
&c.

A. L. Priolemore

65.64
 I. A. L. 5.00
 A. 15.00
 \$25.64
 Estimate 5.00
 30.64

And for 62.36

¹¹⁰
 W. A. Pate et al

Bill Chug

M. Alice Kirkpatrick

1886. Febry Bill filed Spa
not End the Debt
being an infant

" Mr. G. A. Litem's ans filed
& Cause set for hearing

" March Term Decree
for sale & Contd.

1886 Aug & Nov Contd

1887 Mr. Decree "

" Aug. Decree

Final

To the Honorable John A. Kelly Judge
of the Circuit Court of Lee County Va

The answer of M. Alice Kinsport
rick an infant by C. T. Duncan
her Guardian ad litem, to a bill exhib-
ited against her in this Honorable
Court by W. A. Politt and others.

This respondent in an addition
to being an infant is also a non-
resident of the State of Virginia. She
is therefore entirely unacquainted
with the subject matter of this suit
but she supposes it is true that said
land is of first rate quality, that
the part of it which is cleared is con-
siderably worn. That if partitioned
none of the shares would be of
much value, all these things be-
ing your respondent speaking
through her Guardian ad litem
would say that the land ought
to be sold, and not partitioned
Now having answered &c.

C. T. Duncan Guardian
ad litem for infant Deft.

Sworn to before me. March 1/886
J. A. Hyatt & Co

W. A. Foteet et al
vs $\frac{1}{2}$ Ans G. A. L
Malice Kirkpatrick

Filed at March Rules
1886.

J. A. Hyatt & Co.

Wm A. Poteet et al pff.

v
M. Alice Kirkpatrick def^t } Or chg.

This
Cause came on again this
day to be heard upon the
papers formerly read out the
report of A. L. Pincusman and
accompanied by the deed
heretofore directed to be exe-
cuted by him for on the part
of the infant M. Alice Kirk-
patrick to which there are
no exceptions and was argued
by Counsel. On consideration
whereof and for reasons
appearing to the Court said
deed is confirmed & made final
and the Clerk of this Court will
deliver the same to H. O. Ballou
and no further action being
necessary the Cause is stricken
from the docket.

Wm A. Pollock

r { Decree

M. Alice Kirkpatrick

Aug 7. 1887

Entered page 70

C. O. Book No. 3.
J. A. Hyatt.

Enter this
H. A. K. M.
Sept 3rd 1887

Wm A. Potter

23 Decr.

M Alice Kipatuck

Entered for ages 6 & 4

C. C. Book No. 3.

J. S. Hyatt

Entered
142 Km
Sept 2nd / 87

Wm A. Pateet et al.

Plff

against

Mr. Alice Kirkpatrick

Def

} In Chy.

This

Cause came on to be heard upon the ~~papers~~ bill of the plffs and the answer of the defendants and replication thereto and was argued by Counsel - On consideration whereof and for reasons appearing to the Court, it seems the land in the bill mentioned should be sold in order to promote the interest of all concerned - It is therefore ordered adjudged and decreed that A. L. Pridemore who is hereby appointed a special Commissioner do sell on a credit of one or two years the tract of land in the bill mentioned, he will sell the same by public outcry to the highest bidder on some Court day in front of the Court-House door; he will require the costs of suit & sale to be paid in hand and for the residue take bonds payable to himself as Commr, bearing interest

Wm A. Patterson

no decree for

sale

M. Alice Tullypatrick

Entered Day 2.501

J. R. Gibbons & Co.

Enter this

March 26 / 86

J. S. H. K.

from day of sale, for its deferred
payments. But before proceeding
to act hereunder he will execute bond
before the Clerk of this Court in
a penalty of \$2000. Conditioned ac-
cording to law. He will then post
notice on the front door of the
Court House, and in the neighborhood
where the land lies ~~for at~~ and if
deemed advisable in the Lee County Herald
a news paper published in Knoxville
setting out time terms and place of
sale. He will report his actions
to this Court at some future term
and the cause is continued.

To the Hon. H. K. Morison Judge
of the Circuit Court of Lee County
Your undersigned Commissioner
in the case of Wm A. Pattee et al
v. M. Alice Kirkpatrick et al
Begs leave to report that he
has in conformity with the
terms of a decree entered at
this term made the deed so
directed to be made by him
for & on the part of M.
Alice Kirkpatrick for her
individual interest in the
Essex tract of land retain-
ing the lien therein mention-
ed her files said deed
All of which is respectfully
submitted.

A. L. Prieeman
Commr.

Uma Poteet et al

VZ Report & Deed

Mr. Alice Kitepatra

To the Hon. H. S. K. Morison Judge
of the Circuit Court of Lee County
Virginia.

Your undersigned commis-
sioner, begs leave to report, that in
the Chancery Cause of Wm. A. Pateet
and others against Alice Wm. Kirkpatrick
he in pursuance of a former decree
in said Cause advertised the lands
in the bill and proceeding men-
tioned, and on the 22nd day of Feb.
1887. being the first day of
County Court he offered the same
for sale, upon the terms stated in
said decree, when the same
was bid off by F. E. Pateet one
of the heirs at the price of \$5.00
per acre which produced the gross sum
of \$1190 there being 238 acres by
measurement. He arranged with
your Court for the Coms due him
and paid the cost. This sale
was for the purpose of af-
fecting a private sale, upon
longer time than given in said de-
cree, and F. E. Pateet's bid was for
all the heirs and they are willing
to the sale. The purchaser Wm. H. C.
Ballou at the private sale, preferring

to have his title perfected in this way
your Court then made sale as before
stated privately to H. O. Ballou for
the sum of \$1600, payable with in-
terest in one two three four or five
years, which is for the benefit of
all the heirs by Mr F. E. Pottery con-
sent - and all the adults consent
to this course and your Court be-
lieves this to be the very best
sale he could make under the cir-
cumstances. All of which was
affirmed & wound up this day
March 10th. 1867.

A. S. Prudenore
Court.

Wm A. Pottery

W. B. Pottery
Court Report written
Mr. Alice Kirkpatrick

Filed March 11th 1867.

J. A. Wapatt

THIS DEED, made and entered into this the 31st day of August 1887, by and between A. L. Pridemore Commissioner, of the County of Lee and State of Virginia, of the one part, and H. O. Ballou of the County of Lee and State aforesaid, of the other part, Witnesseth, that, whereas, a Decree was rendered and pronounced on the day of August 1887 in the Chancery cause of Wm a. Patel et al — against M. Alice Kirkpatrick then pending in the Circuit Court of Lee County, Virginia, by which A. L. Pridemore was appointed a Commissioner for the purpose of selling the land in the Bill and proceedings in said cause mentioned, and specified in said decree; and whereas, said Commissioner afterwards, to wit: on the day of April 1887, in pursuance of said decree at the front door of the Court House of Lee County, did sell at public outcry to the highest bidder, the tract or parcel of land hereinafter described, at which said sale aforesaid, the said H. O. Ballou became the purchaser at the price of sixteen hundred Dollars; and whereas, said sale was duly reported to the Circuit Court of Lee County, Virginia, and by said Court approved and confirmed; and whereas, by a decree afterwards, to wit: on the day of 18, rendered in said cause, a Receiver was appointed to collect said purchase price of said land, which said Receiver by a report filed in said cause, and received, approved and confirmed by the Court, acknowledges that the purchase price of said land has been fully paid; and whereas, said decree entered in said cause on the day of August 1887, appointed a Commissioner for the purpose of conveying the said land to the purchaser. Now, in consideration of all the premises aforesaid, as well as in consideration of the payment in full of \$1.00 the purchase price of said land, the said A. L. Pridemore Commissioner as aforesaid, has this day given, granted and sold, and by these presents doth give, grant, bargain, sell and convey unto H. O. Ballou with covenants of Special Warranty, all that certain tract, piece or parcel of land situated, lying and being in the County of Lee and State of Virginia, containing by survey 238 acres — acres, be the same more or less, and bounded as follows, to wit:

~~Beginning~~

Being the undivided interest of said M. Alice Kirkpatrick in and to said tract of 238 acres known as the Brittain Patel or Samuel Edsall land - and for a more particular description of which reference is here made to the deed of Wm a. Patel and others to said Ballou for said tract, now of record in the clerk's office of Lee County Va. But a lien is hereby retained upon said land for the unpaid purchase money still remaining unpaid.

TO HAVE AND TO HOLD to him the said undivided interest and his heirs forever. to the beginning,
In witness whereof the said A. L. Pridemore Commissioner, has hereunto set his hand and affixed his seal this the day and year first above written.

A. L. Pridemore Commissioner. [SEAL.]

VIRGINIA—Lee County, to wit:

J. A. G. Hyatt Clerk of the County of Lee, in the State of Virginia, do certify that A. L. Pridemore Commissioner, whose name is signed to the foregoing Deed, bearing date on the 31st day of August 1887, this day personally appeared before me in my County aforesaid, and acknowledged the same to be his act and deed. Given under my hand this 3rd day of September 1887.

J. A. G. Hyatt Clerk.

H. O. Ballou
From Deed.

A. L. O'Brien
Per

Free for ackn. to St. 50p

THE COMMONWEALTH OF VIRGINIA,

To The Sheriff Of Lee County Greeting :

We Command You to Summon

M. Alice Kirkpatrick.

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

February

next being rule day to answer a bill in Chancery exhibited in our said Court against

her

by

W. A. Pateet, Robert R. Pateet,

*V. Estelle Pateet, Emma Pateet, Mary L. Pateet
A. N. Pateet, C. E. Pateet and Francis Pateet*

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This

23.

day of

January

188

6

, in the

10

year of the Commonwealth.

J. A. G. Hyatt

Clerk

(P)

W. A. Poteet et al
vs $\frac{3}{3}$ Spain et al
M. Alice Kirkpatrick

To Feby. Rules 1886

not to leave the
office the Defendant
being an infant
J. A. Hyatt Co